

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATION
INTER-OFFICE MEMO**

July 27, 2007

TO: Beverly Najarian, Director

DEPT: Administration

FROM: Walter Craddock, Esq. Chairman

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the Board on Thursday , July 26, 2007. Also be advised the following people were present during the hearing: Joseph I. Monteiro, Chief, Enforcement/ Regulations and Legal Counsel Marcy Coleman, Esq., Division of Legal Services and the hearing Board members: Walter Craddock, Esq., James Botvin, and Lt. David Palmer of The Rhode Island State Police.

Absent: Thomas Ricci

Dennis Gerstmeyer

MEETING OF JULY 26, 2007 AT 9:00 AM

DIVISION OF MOTOR VEHICLES – 100 MAIN ST. PAWTUCKET, RI

1. METRO CHRYSLER JEEP (Michael Grieco, Sr. Pres.)

REQUEST TO TRANSFER NEW DEALER PLATE 99 A-Z TO METRO CHRYSLER JEEP. THE FRANCHISE WAS PURCHASED FROM PURITAN CHRYSLER.

METRO CHRYSLER HAS PLATE 354 A-L

DECSION: The board has approved the return of plate series 354 A-L and the transfer of plates 99 A-Z to Metro Chrysler Jeep.

2. WARWICK KIA (Sheree Kaplan-Allen, Pres.)

REQUEST FOR FRANCHISE ADDITION TO BE LOCATED AT 1316 BALD HILL ROAD, WARWICK, RI 02886.

FRANCHISE- KIA

DECSION: Franchise addition has been granted. All application requirements have been met and no protests have been received. No additional plates have been granted.

3. COLONIAL TOYOTA (James Botvin, Pres.)

TRANSER APPLICATION:

FROM: 550 PAWTUCKET AVENUE, PAWTUCKET, RI 02860

TO: 550 GEORGE WASHINGTON HWY. SMITHFIELD, RI 02917

James Botvin recused himself from this case.

Dennis Gerstmeyer participated in this case via a conference call to form a quorum and was able to vote on the decision.

DECSION: Transfer has been granted subject to a sight inspection. No protest letters have been received and no additional plates have been approved.

HEARING BOARD MINUTES

PAGE 2 OF 3

4. BRUCE BEARD AUTOMOTIVE FOREIGN CAR SALES & SERVICE (Bruce Beard, Jr. Pres.)

REQUEST FOR FRANCHISE ADDITION:

TO SELL NEW VESPA MOTOR SCOOTERS AT THE DEALERSHIP LOCATED AT 1180 WEST MAIN ROAD, MIDDLETOWN, RI 02842.

DECSION: The franchise addition of Vespa has been granted. No additional plates have been approved. All application requirements have been met.

5. LAUREL HILL AUTO SALES, INC. (Peter Goneconte, Pres./ Deborah Kennedy, Esq.) V. 1010 AUTO SALES (Lisa Rothermel, Pres. / Vincent Oddo, Esq.)

COMPLAINT / SHOW CAUSE HEARING. CASE #DS07-115

DECISION: Based on the fact that the dealer, 1010 Auto Sales, did not provide a title for the vehicle to the consumer in the time allowed, it has been determined that the dealer shall deliver the title or buy back the vehicle for the amount of \$42,660.00 within 10 days of receiving the official decision.

The Board has also determined that 1010 Auto Sales, Inc. was in violation of R.I.G.L. §31-3.1-4 (b) and R.I. Rules and Regulations Section VII, Paragraph (F) requiring the dealer to deliver a title to the consumer with in a reasonable time, 20 days and is required to pay the amount of \$100.00 to the Dealers' License and Regulations Office in 10 days from the receipt of the official decision.

6. LAUREL HILL AUTO SALES, INC. (Peter Goneconte, Pres. / Deborah Kennedy, Esq.) V. 1010 AUTO SALES (Lisa Rothermel, Pres. / Vincent Oddo, Esq.)

COMPLAINT / SHOW CAUSE HEARING. CASE # DS-07-0116

DECISION: Based on the fact that the dealer, 1010 Auto Sales, Inc. did not provide a title for the vehicle to the consumer in the time allowed, it has been determined that the dealer shall deliver the title or buy back the vehicle for the amount of \$21,000.00 within 10 days of receiving the official decision.

The Board has also determined that 1010 Auto Sales, Inc. was in violation of R.I.G.L. §31-3.1-4 (b) and R.I. Rules and Regulations Section VII, Paragraph (F) requiring the dealer to deliver a title to the consumer within a reasonable time, 20 days and is required to pay the amount of \$250.00 to the Dealers' License and Regulations Office in 10 days from the receipt of the official decision.

7. JOSHUA MALAMA V. SHANNON MOTORS “MAIN” (John Gosselin, Pres.)

COMPLAINT / SHOW CAUSE HEARING. CASE # DS-07-107

Postponed at the request of John J. DeSimone, lawyer for Shannon Motors.

8. FOR DISCUSSION ONLY:

TOWN OF JOHNSTON ISSUING SECOND HAND LICENSE TO DO BUSINESS IN JOHNSTON.

DECISION: Marcy Coleman, ESQ will call the Town of Johnston to discuss the need for the city to issue a second hand city license prior to the issuance of a state dealers license.

Walter R. Craddock, ESQ
Chairman

Cc: Charles Dolan, Administrator, DMV
John DiTomasso, Assistant Administrator, DMV

Joseph I. Monteiro, Chief Enforcement/Regulations, DMV

Marcy Coleman, Esq., Division of Legal Services, DOA

File